

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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RAY H.,

Plaintiff,

v.

**ORDER**

Civil File No. 22-2666 (MJD/DJF)

MARTIN O'MALLEY,  
Commissioner of Social Security,<sup>1</sup>

Defendant.

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Clifford Michael Farrell, Manring & Farrell, Edward C. Olson, Reitan Law Office,  
Counsel for Plaintiff.

Ana H. Voss, Assistant United States Attorney, Counsel for Defendant.

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The above-entitled matter comes before the Court upon the Report and  
Recommendation of United States Magistrate Judge Dulce J. Foster dated  
November 6, 2023. Plaintiff filed objections to the Report and Recommendation.

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<sup>1</sup> Martin O'Malley was sworn in as Commissioner of the Social Security Administration on December 20, 2023 and is substituted for Kilolo Kijakazi under Federal Rule of Civil Procedure 25(2)(d).

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court adopts the Report and Recommendation of Magistrate Judge Foster. The Court overrules Plaintiff's objections.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Dulce J. Foster dated November 6, 2023. **[Doc. 20.]**
2. Plaintiff's Motion for Summary Judgment **[Doc. 14]** is **DENIED**.
3. Defendant's Motion for Summary Judgment **[Doc. 17]** is **GRANTED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 12, 2024

s/Michael J. Davis

Michael J. Davis

United States District Court